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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIGITEK PRODUCTS  
LIABILITY LITIGATION

MDL Docket No. MDL 1968  
2:08-md-01968  
HONORABLE JOSEPH R. GOODWIN

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APPLICATION OF J. PAUL SIZEMORE FOR APPOINTMENT  
TO THE PLAINTIFFS' STEERING COMMITTEE

Please consider this my Application for Appointment to the Plaintiffs' Steering Committee. In support thereof, applicant shows this Court that applicant is well-versed in mass tort litigation, has the willingness and availability to commit to this project, the finances and staff to support such an endeavor, and the ability to work cooperatively with others. Applicant has filed two Digitek lawsuits to date (bearing case numbers: **2:08-1149** and **2:08-1159**) and expects to file approximately one hundred more in the near future.

**PROFESSIONAL EXPERIENCE**

Mr. Sizemore practices exclusively in the areas of mass torts, product liability and antitrust litigation. He has lectured on and published numerous articles in reference to mass torts and product liability litigation.

Mr. Sizemore has been involved in the Vioxx, Avandia, HRT, Ortho Evra, Gadolinium, Celebrex and Bextra litigations throughout the country for approximately the last seven years. He is a member of the Plaintiff's Steering Committee for the Bextra/Celebrex consolidated MDL. He has recently been selected a member of the Avandia PSC and was selected by the PSC to serve as trial counsel. He currently serves as a member of the Executive Committee for the Vioxx MDL Science Committee and is also the Chair of the Biological Plausibility Committee. He is also the former-Chair of the Cox-2 Litigation Section of AAJ (formerly ATLA) and was

twice elected to this position by his peers.

Mr. Sizemore was privileged to try both the first Multi-District Litigation trial and the first California trial involving Vioxx. He has participated in numerous Vioxx trials since then. Mr. Sizemore was also a member of the trial team for the first Bextra MDL trial.

Mr. Sizemore has chaired or co-chaired numerous pharmaceutical seminars, as well as lectured for AAJ, Mealey's, Harris-Martin and Mass Torts Made Perfect. Within the past year he has given the following lectures: 1) AAJ "Pharma & Beyond: Litigation Today Seminar;" 2) AAJ Summer Conference - Chair and Cox-2 Litigation Update; 3) Mealey's Avandia Seminar - Case Selection; 4) Mealey's Pharmaceutical Conference - Vioxx Trial Package; 5) Mass Torts Made Perfect – Seravent; and 6) AAJ Cox-2 Litigation Group teleconference.

Mr. Sizemore was recently honored by Trial magazine with the publication of his article "Accepting Risk Factors in Pharmaceutical Litigation." He has also received many honors as well as significant press recognition, including numerous media interviews such as National Public Radio, Southern California's Premier Law Series, Champions of Justice, Bloomberg News, Australian Television's Four Corners, Lawyers USA, the AP Wire, Google News, USA Today, West Virginia Record, American Help Line, The New York Times, The Gwinnett Daily Post, and numerous other news organizations.

Mr. Sizemore is a member of: AAJ, Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles, the Alabama State Bar, the Tennessee State Bar, the Georgia State Bar and the California State Bar

#### **ABILITY TO WORK COOPERATIVELY WITH OTHERS**

Civility and cooperation are cornerstones of any successful attorney. Mr. Sizemore not only recognizes the importance of these concepts, but endeavors to incorporate them into his

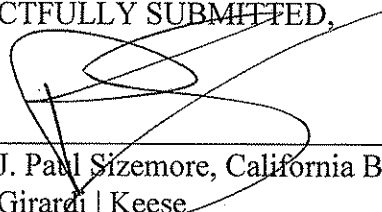
everyday dealings with both his fellow attorneys and the courts. Indeed, civility and professionalism are not ideals merely to be reserved for dealings with fellow plaintiffs' attorneys. Mr. Sizemore practiced as a defense attorney for many years before refocusing his practice. Thus, he has a unique insight into the sometimes stressful tasks associated with both the plaintiff and defense practices. This unique insight affords him the ability to practice in an effective, yet civil and professional manner. He will endeavor to utilize those attributes in this matter.

#### **AVAILABILITY**

Mr. Sizemore presently has the time, financial resources, and energy available for this project, as well as an active interest in this project. Moreover, as the member of a large firm of over two dozen attorneys, Mr. Sizemore can assure that proper staffing and financial backing are provided to this litigation to ensure proper pursuit of this matter. Wherefore, movant prays this Honorable Court for consideration of his application to serve on the PSC in the above-captioned matter.

RESPECTFULLY SUBMITTED,

BY: \_\_\_\_\_

  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing pleading has been served via U.S.

Mail upon counsel for all parties this 15<sup>th</sup> day of October, 2008.

  
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J. Paul Sizemore